



UNITED STATES OF AMERICA  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
 One Lafayette Centre  
 1120 20th Street, N.W. — 9th Floor  
 Washington, DC 20036-3419

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SECRETARY OF LABOR,

Complainant,

v.

CONTRACTORS CRANE SERVICE,  
 INC.

Respondent.

OSHRC Docket No. 95-1310

**ORDER**

BEFORE: WEISBERG, Chairman; and MONTOYA, Commissioner.

The *pro se* Respondent has provided reasons deemed sufficient by the Commission under Rule 41(b) to vacate the judge's order dismissing its notice of contest. Accordingly, we reinstate Respondent's notice of contest and remand this case to the judge for further proceedings.

*Stuart E. Weisberg*

Stuart E. Weisberg  
 Chairman

*Velma Montoya*

Velma Montoya  
 Commissioner

Dated January 19, 1996

1996 OSHRC No. 1



United States of America  
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1120 20th Street, N.W., Ninth Floor  
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Office of  
Executive Secretary

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SECRETARY OF LABOR,

Complainant,

v.

CONTRACTORS CRANE SERVICE, INC.,

Respondent.

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OSHRC Docket No. 95-1310

**NOTICE OF REMAND ORDER**

The attached Order of Remand by the Occupational Safety and Health Review Commission was issued on January 19, 1996.

FOR THE COMMISSION

Date: January 19, 1996

  
Ray H. Darling, Jr.  
Executive Secretary

95-1310

NOTICE IS GIVEN TO THE FOLLOWING:

Daniel J. Mick  
Office of the Solicitor, U.S. DOL  
Room S4004  
200 Constitution Ave., N.W.  
Washington, D.C. 20210

Frank V. McDermott, Jr.,  
Regional Solicitor  
Office of the Solicitor, U.S. DOL  
One Congress Street  
P. O. Box 8396  
Boston, MA 02114

Kevin Corain, Controller  
Contractors Crane Service, Inc.  
Munson Avenue  
Morrisville, VT 05661

Irving Sommer  
Administrative Law Judge  
Occupational Safety and Health  
Review Commission  
One Lafayette Centre  
1120 20th Street, Suite 990  
Washington, D.C. 20036-3419



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
1120 20th Street, N.W., Ninth Floor  
Washington, DC 20036-3419

Phone: (202) 606-5400  
Fax: (202) 606-5050

**SECRETARY OF LABOR**  
Complainant,  
v.  
**CONTRACTOR CRANE SERVICES, INC.**  
Respondent.

**OSHRC DOCKET  
NO. 95-1310**

**NOTICE OF DOCKETING  
OF ADMINISTRATIVE LAW JUDGE'S DECISION**

The Administrative Law Judge's Report in the above referenced case was docketed with the Commission on November 27, 1995. The decision of the Judge will become a final order of the Commission on December 27, 1995 unless a Commission member directs review of the decision on or before that date. **ANY PARTY DESIRING REVIEW OF THE JUDGE'S DECISION BY THE COMMISSION MUST FILE A PETITION FOR DISCRETIONARY REVIEW.** Any such petition should be received by the Executive Secretary on or before December 18, 1995 in order to permit sufficient time for its review. See Commission Rule 91, 29 C.F.R. 2200.91.

All further pleadings or communications regarding this case shall be addressed to:

Executive Secretary  
Occupational Safety and Health  
Review Commission  
1120 20th St. N.W., Suite 980  
Washington, D.C. 20036-3419

Petitioning parties shall also mail a copy to:

Daniel J. Mick, Esq.  
Counsel for Regional Trial Litigation  
Office of the Solicitor, U.S. DOL  
Room S4004  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

If a Direction for Review is issued by the Commission, then the Counsel for Regional Trial Litigation will represent the Department of Labor. Any party having questions about review rights may contact the Commission's Executive Secretary or call (202) 606-5400.

FOR THE COMMISSION

*Ray H. Darling, Jr.*  
Ray H. Darling, Jr.  
Executive Secretary

Date: November 27, 1995

DOCKET NO. 95-1310

NOTICE IS GIVEN TO THE FOLLOWING:

Frank V. McDermott, Jr.  
Acting Regional Solicitor  
Office of the Solicitor, U.S. DOL  
One Congress Street, 11th Floor  
P.O. Box 8396  
Boston, MA 02114

Raymond J. Chauvin, President  
Contractor crane Service, Inc.  
Munson Avenue  
Morrisville, VT 05661

Irving Sommer  
Chief Administrative Law Judge  
Occupational Safety and Health  
Review Commission  
One Lafayette Centre  
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Washington, DC 20036 3419

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United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

Secretary of Labor,

Complainant,

V.

CONTRACTOR CRANE SERVICES, INC.

Respondent.

OSHRC DOCKET NO. 95-1310

**ORDER**

On **10/10/95** the undersigned issued an **ORDER TO SHOW CAUSE** to the Respondent as to why his Notice of Contest should not be dismissed for failure to file an answer to the complaint as required by the Commission Rules of Procedure. The Respondent failed to reply to the ORDER. His actions demonstrate either that he has abandoned the case or treats the Rules of Procedure of the Commission with disdain. This cannot be countenanced as it seriously impedes the administration of justice.

Accordingly, the Notice of Contest filed by the Respondent is dismissed. The Secretary's citation(s) and proposed penalties are **AFFIRMED** in all respects.



**IRVING SOMMER**  
Chief Judge

DATE: **NOV 27 1995**  
Washington, D.C.